

BEFORE THE IOWA  
ETHICS AND CAMPAIGN DISCLOSURE BOARD  
Pursuant to Chapter 17A and Chapter 68B

|  |   |                              |
|--|---|------------------------------|
| IN THE MATTER OF:                        | ) |                              |
|  | ) | Case No <u>2008 IECDB 12</u> |
|  | ) |                              |
| DOUGLAS CUNNINGHAM,                      | ) |                              |
| In the Capacity as the Candidate for the | ) | PROPOSED DECISION and        |
| Citizens for Cunningham,                 | ) | ORDER OF THE PRESIDING       |
| RESPONDENT.                              | ) | OFFICER                      |

---

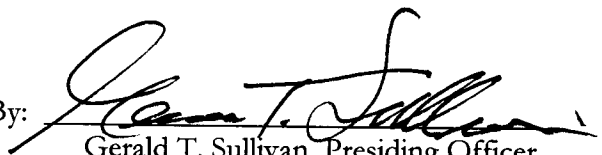
Pursuant to rule 351—11.21, this DEFAULT DECISION and ORDER is entered:

1. Respondent had proper notice of the date and time of the July 1, 2008 hearing.
2. The hearing was to determine if the Respondent violated Iowa Code Section 68A.402 and 68B.32A(7) by failing to file a January 19, 2008 campaign disclosure report.
3. As the Respondent failed to appear for the hearing or otherwise provide a defense despite being given the opportunity to do so and based on the Presiding Officer's review of the evidence presented at the hearing, the allegations set out in the Statement of Charges are found to be true and correct. Therefore, it is determined that the Respondent violated Iowa Code section 68A.402 and 68B.32A(7) as alleged. It is also determined that letters were sent to the Respondent before and after the due date and a notice of hearing was provided.
4. Pursuant to Iowa Code section 68B.32D, the Presiding Officer orders the following:
  - A. Respondent shall pay a civil penalty in the amount of **\$100** for failing to timely file a campaign disclosure report on September 11, 2007 as set out in Board Rule 351-4.59(3).
  - B. Respondent shall pay an additional civil penalty in the amount of **\$100** pursuant to Iowa Code Section 68B.32D(1)(h) for violation of Board Rule 351-4.21.

- B. Respondent shall pay an additional civil penalty in the amount of **\$100** pursuant to Iowa Code Section 68B.32D(1)(h) for violation of Board Rule 351-4.21.
- C. As a remedial action, Respondent shall repay the Iowa Ethics and Campaign Disclosure Board **\$60** related to costs involved with this matter, including the drafting and mailing of correspondence, staff time, and hearings costs.
- D. Respondent shall receive a Letter of Reprimand.
- E. The Respondent's committee shall be administratively closed and the Board Staff should consider the committee closed.

6. Pursuant to rule 351—11.21(3), this Default Decision and Order becomes final agency action for purposes of judicial review unless a motion to vacate is filed and served within 14 days. A motion to vacate automatically stays this order pending review of the motion.

Dated this 2nd day of July 2008.

By:   
Gerald T. Sullivan, Presiding Officer

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that for purposes of deadlines set out herein, this Proposed Decision and Order of the Presiding Officer was sent by first class mail, address service requested, on July 9, 2008, to:

Douglas Cunningham  
1019 Arlington Court  
Davenport, Iowa 52803

  
W. Charles Smithson, IECDB Legal Counsel